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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 NETTIE REAY,

11 Petitioner,

No. CIV S-05-0356 GEB DAD P

12 vs.

13 GLORIA HENRY, Warden,

14 Respondent.

ORDER

15 \_\_\_\_\_/  
16 Petitioner paid the required filing fee when she filed this action. Petitioner  
17 subsequently filed an application to proceed in forma pauperis and a letter in which she states  
18 that she “would like to keep the lawyer that has been doing all my appeals.”

19 Petitioner is advised that there currently exists no right to appointment of counsel  
20 in federal habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996).  
21 However, counsel may be appointed at any stage of a federal habeas proceeding “if the interests  
22 of justice so require.” 18 U.S.C. § 3006A. See also Rule 8(c), Fed. R. Governing § 2254 Cases.  
23 The court does not find that the interests of justice require appointment of counsel in this case at  
24 the present time.

25 Petitioner’s application to proceed in forma pauperis makes the showing required  
26 by 28 U.S.C. § 1915. The application will be granted.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's April 7, 2005 application to proceed in forma pauperis is granted;

and

2. Petitioner's April 7, 2005 request for appointment of state appellate counsel is

denied.

DATED: June 6, 2005.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

DAD:13  
reay0356.110